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OFFICE OF PETITIONS

WALKER DIGITAL MANAGEMENT, LLC
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STAMFORD, CT 06905

In re Application of
Daniel E. Tedesco, et al.
Application No. 10/786,831
Filed: February 25, 2004
Attorney Docket No. 02-100A

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ON PETITION

This is a decision on the petition, filed January 24, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b). This is also a decision on the petition, filed March 13, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue.

It does not appear that the petitions are signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Carson C.K. Fincham appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petitions are **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before January 16, 2007. This decision precedes the mailing of a Notice of Abandonment. However, on January 24, 2007, the petition under 37 CFR 1.137(b) was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay¹.

Since petitioner has complied with 37 CFR 1.137(b), the application may be returned to a pending status. However, in view of petitioner's request to withdraw the application from issue,

¹ 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

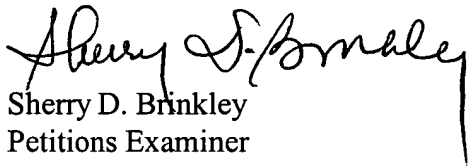
the application is hereby withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 24, 2007, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.²

Receipt is acknowledged of the notification of loss of entitlement to small entity status pursuant to 37 CFR 1.27(g)(2). Accordingly, status as a Small Entity has been removed.

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being forwarded to Technology Center AU 2624 for further processing of the request for continued examination under 37 CFR 1.114.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions

² The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.